

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 4/2/2013	(3) CONTACT/PHONE Stephanie Fuhs, Planner III/(805)781-5721	
(4) SUBJECT Public Hearing to consider an appeal by Corral De Piedra Land Company (Waste Connections, Inc.) of the Hearing Officer's decision to approve Minor Use Permit DRC 2012-00030. District 3			
(5) RECOMMENDED ACTION Adopt and instruct the Chairperson to sign the resolution affirming the decision of the Hearing Officer and conditionally approving Minor Use Permit DRC 2012-00030 based on the findings in Exhibit A and the conditions of approval in Exhibit B.			
(6) FUNDING SOURCE(S) Appeal Fee	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT { } Consent { } Presentation {x} Hearing (Time Est. <u>40 Minutes</u> ) { } Board Business (Time Est. <u>    </u> )			
(11) EXECUTED DOCUMENTS {x} Resolutions { } Contracts { } Ordinances { } N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: { } 4/5th's Vote Required {x} N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY {x} N/A Date: <u>                    </u>	
(17) ADMINISTRATIVE OFFICE REVIEW Reviewed by Leslie Brown			
(18) SUPERVISOR DISTRICT(S) District 3			

## County of San Luis Obispo



TO: Board of Supervisors

FROM: Planning and Building / Stephanie Fuhs, Planner III

VIA: Nancy Orton, Division Manager, Planning Division

DATE: 4/2/2013

SUBJECT: Public Hearing to consider an appeal by Corral De Piedra Land Company (Waste Connections, Inc.) of the Hearing Officer's decision to approve Minor Use Permit DRC 2012-00030. District 3

### **RECOMMENDATION**

Adopt and instruct the Chairperson to sign the resolution affirming the decision of the Hearing Officer and conditionally approving Minor Use Permit DRC 2012-00030 based on the findings in Exhibit A and the conditions of approval in Exhibit B.

### **DISCUSSION**

A Planning Department Hearing was conducted on February 15, 2013 to consider a Minor Use Permit to allow a 39,950 square foot outdoor storage yard for consolidation of San Luis Garbage and South County Sanitary waste collection services. The project does not involve the construction of any new buildings, but will include the remodel of the existing structures to meet current building codes and tenant improvements for the proposed uses. The proposed project is within the Industrial land use category and is located at 4388 Old Santa Fe Road, adjacent to the San Luis Obispo Regional Airport, also adjacent to the southeastern city limits of San Luis Obispo. The site is in the San Luis Obispo planning area.

At the hearing, testimony was given by neighboring business owners who raised concerns about noise coming from the garbage truck fleet returning from their routes in the afternoon. The Hearing Officer directed staff to add a condition (Condition #1c) to address this concern that reads as follows:

- c. Garbage truck traffic routes will be limited regarding afternoon ingress/return entry back onto the site. Afternoon garbage trucks returning to the site are limited to use of the southern entrance access point. The southern access point is located at the southern end of the site at Old Santa Fe Road. Afternoon garbage truck access is prohibited at the northern access point to the site. Morning garbage truck traffic shall utilize the northern access point to exit the site, located at the north eastern portion of the property at the cul-de-sac on Old Santa Fe Road.

On February 19, 2013, the Planning Department received an appeal of this decision by the applicant. Issues raised in the appeal are discussed below.

## **APPEAL ISSUE**

Issue 1 – Due to safety and operations concerns, the applicant is appealing the addition of Condition 1c from the February 15, 2013 Planning Department Hearing (see attached appeal form).

*Staff response: The condition to restrict the travel route for trucks returning from their routes in the afternoon was added at the hearing in response to neighbor concerns regarding noise and disruption of their businesses.*

*Waste Connections Inc. has a fleet of 88 trucks that leave in the morning between 5:30 and 6 a.m. generally before neighboring businesses are operating. The trucks return between 1 and 1:30 p.m. after the day's routes are completed.*

*The existing southern entrance, off Old Santa Fe Road, provides an access point that occurs before the location of several existing businesses that are concerned with daytime truck traffic noise. The southern entrance offers an opportunity for all of the approximately 65 afternoon/returning trucks to enter the project site before passing these businesses.*

*The project site has an existing lane of travel through the property to the company vehicle storage area located at the northern portion of the property. The use of the southern access for afternoon/returning truck traffic will reduce the concentrated noise impact of the returning trucks to neighboring businesses.*

*Because the afternoon/returning truck traffic occurs at an expected time frame and path of travel, the operations and safety concerns may be alleviated by establishing an on-site truck traffic program (i.e. setting a 5 mile per hour maximum safety signage, adjust work activities during the truck return time, dispatch notification to employees of returning trucks).*

## **OTHER AGENCY INVOLVEMENT/IMPACT**

Other agencies were provided opportunity to comment as part of a project referral process. County Counsel reviewed and approved the resolution, findings and staff report as to form and legal effect.

## **FINANCIAL CONSIDERATIONS**

The appellant has paid the appeal fee of \$850 to partially offset staff time required to prepare this staff report. The balance of funding comes from the department's budget - general fund (total cost is approximately \$4,435).

## **RESULTS**

Denial of the appeal would affirm the decision of the Hearing Officer to add a new Condition 1c to the project to restrict the travel route for garbage trucks returning to the project site in the afternoon.

Upholding the appeal would eliminate Condition 1c that was added at the Planning Department Hearing and return the conditions to what were originally recommended by staff.

## **ATTACHMENTS**

- Attachment 1 – Resolution with Findings and Conditions
- Attachment 2 - Appeal Form
- Attachment 3 - Draft Minutes from the February 15, 2013 PDH Meeting
- Attachment 4 - Notice of Final County Action
- Attachment 5 - Staff Report from the February 15, 2013 PDH Meeting
- Attachment 6 - Graphics, including vicinity map and site plan

